



## **DEPARTMENT OF COMMERCE**

### **International Trade Administration**

#### **Proposed Information Collection; Comment Request; Interim Procedures for Considering Requests and Comments from the Public for Textile and Apparel Safeguard Actions on Imports from Korea**

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at [PRAComments@doc.gov](mailto:PRAComments@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Maria D'Andrea-Yothers, Office of Textiles and Apparel, U.S. Department of Commerce, Tel.(202) 482-1550, [Maria.D'Andrea-Yothers@trade.gov](mailto:Maria.D'Andrea-Yothers@trade.gov)

#### **SUPPLEMENTARY INFORMATION:**

##### *I. Abstract*

Article 4.1 of the U.S.-Korea Free Trade Agreement (the “Agreement”) provides for a textile and apparel safeguard mechanism. This safeguard mechanism applies when, as a result of the reduction or elimination of a customs duty under the Agreement, a Korean textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage or actual threat thereof to a U.S. industry producing a like or directly competitive article. In these circumstances, Article 4.1 permits the United States to (a) suspend any further reduction in the rate of duty provided for under Annex 2-B of the Agreement in the duty imposed on the article; or (b) increase duties on the imported article from Korea to a level that does not exceed the lesser of the prevailing U.S. normal trade relations (“NTR”)/most-favored-nation (“MFN”) duty rate for the article or the U.S. NTR/MFN duty rate in effect on the day before the Agreement enters into force.

The Statement of Administrative Action accompanying the U.S.-Korea Free Trade Agreement Implementation Act (the “Act”) provides that the Committee for the Implementation of Textile Agreements (CITA) will issue procedures for requesting such safeguard measures, for making its determinations under section 332(a) of the Act, and for providing relief under section 332(b) of the Act.

In Proclamation No. 8783 (77 FR 14265, March 9, 2012), the President delegated to CITA his authority under Subtitle C of Title III of the Act with respect to textile and apparel safeguard measures.

The textile and apparel safeguard mechanism will be of considerable benefit to firms manufacturing textile and apparel goods in the United States in the event that an industry

finds itself to be adversely impacted by preferential duty or duty-free imports of textiles and apparel from Korea.

CITA must collect information in order to determine whether a domestic textile or apparel industry is being adversely impacted by imports of these products from Korea, thereby allowing CITA to take corrective action to protect the viability of the domestic textile and apparel industry, subject to section 332(b) of the Act.

An interested party in the U.S. domestic textile and apparel industry may file a request for a textile and apparel safeguard action with CITA. Consistent with longstanding CITA practice in considering textile and apparel safeguard actions, CITA will consider an interested party to be an entity (which may be a trade association, firm, certified or recognized union, or group of workers) that is representative of either: (A) A domestic producer or producers of an article that is like or directly competitive with the subject Korean textile or apparel article; or (B) a domestic producer or producers of a component used in the production of an article that is like or directly competitive with the subject Korean textile or apparel article.

In order for a request to be considered, the requestor must provide the following information in support of a claim that a textile or apparel article from Korea is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage or actual threat thereof, to a U.S. industry producing an article that is like, or directly competitive with, the imported article: 1) Name and description of the imported article concerned; 2) import data demonstrating that imports of a Korea origin textile or apparel article that are like or directly competitive with the articles produced by the domestic industry concerned are

increasing in absolute terms or relative to the domestic market for that article; 3) U.S. domestic production of the like or directly competitive articles of U.S. origin indicating the nature and extent of the serious damage or actual threat thereof, along with an affirmation that to the best of the requester's knowledge, the data represent substantially all of the domestic production of the like or directly competitive article(s) of U.S. origin; 4) imports from Korea as a percentage of the domestic market of the like or directly competitive article; and 5) all data available to the requester showing changes in productivity, utilization of capacity, inventories, exports, wages, employment, domestic prices, profits, and investment, and any other information, relating to the existence of serious damage or actual threat thereof caused by imports from Korea to the industry producing the like or directly competitive article that is the subject of the request. To the extent that such information is not available, the requester should provide best estimates and the basis therefore.

If CITA determines that the request provides the information necessary for it to be considered, CITA will publish a notice in the Federal Register seeking public comments regarding the request. The comment period shall be 30 calendar days. The notice will include a summary of the request. Any interested party may submit information to rebut, clarify, or correct public comments submitted by any interested party.

CITA will make a determination on any request it considers within 60 calendar days of the close of the comment period. If CITA is unable to make a determination within 60 calendar days, it will publish a notice in the Federal Register, including the date it will make a determination.

If a determination under section 322(b) of the Act is affirmative, CITA may provide tariff relief to a U.S. industry to the extent necessary to remedy or prevent serious damage or actual threat thereof and to facilitate adjustment by the domestic industry to import competition. The import tariff relief is effective beginning on the date that CITA's affirmative determination is published in the Federal Register.

Entities submitting requests, responses or rebuttals to CITA may submit both a public and confidential version of their submissions. If the request is accepted, the public version will be posted on the dedicated Korea Free Trade Agreement textile safeguards section of the Office of Textile and Apparel (OTEXA) website. The confidential version of the request, responses or rebuttals will not be shared with the public as it may contain business confidential information. Entities submitting responses or rebuttals may use the public version of the request as a basis for responses.

## *II. Method of Collection*

When an interested party files a request for a textile and apparel safeguard action with CITA, ten copies of any such request must be provided in a paper format. If business confidential information is provided, two copies of a non-confidential version must also be provided. If CITA determines that the request provides the necessary information to be considered, it publishes a Federal Register notice seeking public comments on the request. To the extent business confidential information is provided, a non-confidential version must also be provided. Any interested party may submit information to rebut, clarify, or correct public comments submitted by any interested party.

## *III. Data*

*OMB Control Number: 0625-0269*

*Form Number(s): None.*

*Type of Review: Regular submission.*

*Affected Public: Individuals or Business*

*Estimated Number of Respondents: 14 (4 for Request; 10 for Comments)*

*Estimated Time Per Response: 4 hours (for each Request)*

4 hours (for each Comment)

*Estimated Total Annual Burden Hours: 56 hours (16 hours for Requests; 40 hours for Comments)*

*Estimated Total Annual Cost to Public: \$2,800.*

#### *IV. Request for Comments*

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

**Sheleen Dumas,**

*Departmental Lead PRA Officer,*

*Office of the Chief Information Officer,*

*Commerce Department.*

**Billing Code 3510-DS-P**

[FR Doc. 2019-02241 Filed: 2/13/2019 8:45 am; Publication Date: 2/14/2019]